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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
Second session
Geneva, 21 May -1 June 2001
Item 6 of the provisional agenda

REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution*/ submitted by the Southern Education Foundation

The secretariat has received the following contribution which is circulated in accordance with Economic and Social Council resolution 1996/31.

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*/ This contribution is issued, unedited, as received from the submitting non-governmental organization.

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Background and Acknowledgments

The Comparative Human Relations Initiative (CHRI) is an effort sponsored by the Southern Education Foundation (SEF) in collaboration with non governmental organizations and individuals from Brazil, South Africa and the United States. SEF is a public charity based in Atlanta, Georgia, USA. Its president is Elridge W. McMillan and its Board Chair is Norman Francis, president of Xavier University in New Orleans, Louisiana, USA.

Begun in 1995, CHRI provides a forum for exchange of information and ideas about effective strategies/policies to combat racism and inequality in these nations and around the world. CHRI is funded by the Ford and Charles Stewart Mott Foundations. See Attachment A for names of CHRI International Working and Advisory Committee members. The Initiative's Director and author of this submission in CHRI's behalf is Lynn Huntley.

Since 1995, CHRI has held meetings in all three nations for policymakers, activists, ngo leaders and scholars (United States, April, 1997; Brazil, September, 1997; South Africa, March, 1998; and South Africa, May/June, 2000). CHRI publications have previously been submitted to the Office of the High Commissioner for Human Rights. The Honorable Jose Luis Gomes del Prado of the High Commissioner's Office attended CHRI's May/June, 2000, meeting and briefed delegates on plans for the UN World Conference Against Racism to be held in Durban, South Africa, in 2001.

CHRI Comments on the Theme 4:

Provision of effective remedies, recourses, redress, [compensatory] and other measures, at the national, regional and international levels

The program of action to be issued by the World Conference should delineate actions that are concrete and tied to specific timelines. While broad declarations about the negative consequences of racism are important in shaping global mores, what is needed now is a commitment to serious and sustained action to combat racism. We urge the following:

1. Each government should be required no later than three years hence to demonstrate via report to the UN that it has enacted laws and policies that bar discrimination as defined in the International Convention for the Elimination of All Forms of Racial Discrimination (CERD) and provide for civil enforcement of such laws and policies. This should be the minimum threshold commitment for compliance with CERD. Without such legislation and supporting policies, the protections provided by CERD are illusory.

2. The UN, through the office of the High Commissioner for Human Rights should conduct a study, the content of which would be reported publicly no later than three years hence, of options and policies that could/should be put in place to ensure that multinational businesses and international agencies such as the World Bank, the IMF, the Development Banks, among others, respond to CERD's requirements. One of the greatest challenges posed by

globalization is the regulation of transnational entities—financial institutions, multilateral and international agencies and businesses—to ensure compliance with the non-discrimination principles set forth in CERD. Since most domestic laws governing anti-discrimination do not provide for extraterritorial enforcement, finding better ways to promote compliance by such entities with CERD is a pressing matter. There are a variety of efforts by ngos now underway to explore these issues. But the UN should exert leadership in this regard.

3. ***The UN should define "effective remedies" to include all efforts that have the purpose or effect of undoing the negative and exclusionary consequences of racism and discrimination. This means recognizing that under some circumstances such "compensatory" remedies as monetary reparations to victims of discrimination are appropriate and, indeed, required.*** There are a variety of means by which domestic and international entities have sought to make victims of discrimination and disadvantage "whole". To suggest that "reparations" or other "compensatory" policies are neither necessary nor appropriate by bracketing of the word "compensatory" is wrong. In the United States, reparations have been made to Japanese victims of internment; efforts are now underway to identify businesses that profited from slavery and press them to make monetary contributions to the descendants of the enslaved. The bracketing of the word "compensatory" sends the wrong message to individuals, governments and the private sector that they have neither a legal nor moral obligation to help undo the "effects" of discrimination, past or present.

4. ***The UN should reaffirm the importance of "affirmative" or "corrective action" programs in undoing the consequences of racial discrimination and exclusion.*** Countries such as South Africa or Brazil or India (with its reservation policies for the Dalits) need to have the support of the international community as they go forward in fashioning/implementing targeted efforts to help victims of discrimination enjoy substantively, rather than merely formally, the right to be free from racial discrimination. In the United States, where opposition to affirmative action continues in some quarters precisely because affirmative action is effective in promoting upward mobility and inclusion for victims of discrimination, such a declaration from the UN would provide needed support for efforts to preserve this remedy, authorized and promoted by CERD.

5. ***The UN should reconvene an expert body of scholars, such as that convened some years ago by UNESCO, to update and reissue*** **the Statements on Race** ***within three years.*** Many people still believe that "race" or "color" correlate with intelligence or the lack thereof. A ringing declaration that all people are the same beneath the skin and that there is no link between race, descent or color and intelligence or human worth, as a *scientific fact*, is needed.

6. ***The UN should require all gender related programs that it now operates or to which it contributes to make the intersection of race/color and gender a priority and to report annually on the ways in which their program activities help to uproot racism, as well as sexism.*** Racism and sexism are twin faces of the same sorrow. Forms of social exclusion and prejudice are linked and interactive. Even within the community of institutions concerned with gender equity, there is no

guarantee either that staffing or point of view will reflect the race/color diversity among women. Thus, even among women, a hierarchy of power based on color/race is often evident. As a result, opportunities to uproot both forms of discrimination are lost. By finding ways to link CEDAW and CERD, the UN could make an important contribution toward combating both racism and sexism.

7. ***The UN should develop guidelines to govern the composition of national delegations to the World Conference Against Racism and ensure, thereby, that delegations are broadly inclusive of people from groups that suffer from racism and discrimination.***

8. ***The World Conference Declaration should underscore the economic consequences of social exclusion of discrete groups due to racism and discrimination***. This should be a major media message: Some groups and individuals benefit from racism and discrimination. Discrimination privileges some people by disadvantaging others. One of the most significant findings of CHRI is that in the globalizing world economy practices such as underinvestment in the education of discrete groups and denial to them of equal rights and benefits disserves the national economic interest.

In industrial societies, the day when having large numbers of unskilled persons was a means of developing the economy are rapidly passing, as the demands of the technology-driven workplace require increased skill levels. Having large numbers of poor and low skilled persons is not in the economic interest of any country in the post-modern era. The World Conference should convey this message of human and economic interdependence as one of the primary reasons why racism and discrimination must be curtailed. The link between racism and discrimination and poverty is apparent. Those who would reduce poverty through development must now find ways also to reduce the discrimination and racism that preclude too many people from developing their talents and potential.

9. ***Finally, CHRI believes that the World Conference should use the venue of South Africa to illustrate for the world what the consequences of racism and discrimination are.*** Too many people believe that changes in a country's legal structures mark the end of discrimination's and racism's effects, when in fact, such changes only mark the beginning of efforts to undo the consequences of past and present discrimination. South Africa's economy is underdeveloped because of the continuing legacy of apartheid, and its people are suffering still. Human rights violations may have been forgiven by the Truth and Reconciliation Commission, but the consequences of apartheid—underdevelopment, desperate poverty, undereducation of Blacks, crime?lives on. This lesson needs to be underscored for the world community. There are no quick fixes. The world community should be challenged to "reinvest in South Africa" and thereby help South Africa fully dismantle apartheid's effects.

Conclusion

The publications of the Comparative Human Relations Initiative may be found on our website—in English and Portuguese. The website is **www.beyondracism.org**.

We hope that the Second Preparatory Conference will pave the way for an effective, strong set of benchmarks to mark the global community's serious and long-term commitment to movement beyond racism.

Respectfully submitted,